

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JAMES P. EDWARDS, JR.
UNLICENSED

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DOCKETED COMPLAINT NO.
15-063, 15-228, 15-267, 15-297,
15-324, 15-328, & 15-345

AGREED FINAL ORDER

On the 20 day of November, 2015, the Texas Appraiser Licensing and Certification Board (Board) considered the matter of the unlicensed activity of James P. Edwards Jr. (Respondent).

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein. Respondent further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Agreed Final Order in accordance with TEX. OCC. CODE § 1103.458.

FINDINGS OF FACT

1. Respondent is not a licensed or certified Texas real estate appraiser and was not licensed or certified by the Board during all times material to the above-noted complaints.
2. Respondent appraised multiple properties without a real estate appraiser certificate or license.
3. Thereafter, the complaint, numbered 15-063, was filed with the Board by a bank, on or about October 31, 2014; the complaint, numbered 15-228, was filed with the Board by a bank, on or about April 28, 2015; the complaint, numbered 15-267, was filed with the Board by a bank, on or about June 3, 2015; the complaint, numbered 15-297, was filed with the Board by a bank, on or about June 26, 2015; the complaint, numbered 15-324, was filed with the Board by a bank, on or about July 30, 2015; the complaint, numbered 15-328, was filed with the Board by a bank, on or about July 30, 2015; and the complaint, numbered 15-345, was filed with the Board by a bank, on or about August 11, 2015.
4. The Board investigated the complaints to ensure compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CH. 1103 (Act), and 22 TEX. ADMIN. CODE CHS. 153 and 155 (Rules).
5. The Board, in accordance with the mandate of the Act and TEX. GOV'T CODE CH. 2001 (APA), notified Respondent of the nature of the accusations involved in complaint 15-063, on or about November 5, 2015. Respondent was afforded an opportunity to

respond to the accusations in the complaint and was also requested to provide certain documentation to the Board. Thereafter, the Respondent responded with documentation, on or about April 8, 2015; the Board notified Respondent of the nature of the accusations involved in complaint 15-228, on or about May 15, 2015. Respondent responded to the complaint, on or about August 12, 2015; the Board notified Respondent of the nature of the accusations involved in complaint 15-267, on or about June 18, 2015. Respondent responded to the complaint, on or about August 12, 2015; the Board notified Respondent of the nature of the accusations involved in complaint 15-297, on or about July 23, 2015. Respondent responded to the complaint, on or about August 12, 2015; the Board notified Respondent of the nature of the accusations involved in complaint 15-324, on or about August 24, 2015. Respondent responded to the complaint, on or about September 14, 2015; the Board notified Respondent of the nature of the accusations involved in complaint 15-328, on or about August 26, 2015. Respondent responded to the complaint, on or about September 14, 2015; and the Board notified Respondent of the nature of the accusations involved in complaint 15-345, on or about September 15, 2015.

6. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.201 by appraising properties without a real estate appraisal certificate or license.

7. As a result of the Board's investigation, the Board finds that Respondent violated TEX. OCC. CODE § 1103.401 by using identification that misled the public as to his credentials to perform appraisal services.

8. In order to reach an expeditious resolution of this matter and avoid the time and expense of litigation, the parties enter into this Agreed Final Order in accordance with Tex. Occ. Code § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Act.

2. Respondent violated TEX. OCC. CODE § 1103.201 by appraising properties without an appraisal certificate or license.

3. Respondent violated TEX. OCC. CODE § 1103.401 by using identification that misled the public as to his credentials to perform appraisal services

4. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS**:

1. **ADMINISTRATIVE PENALTY.** On or before December 10, 2015, Respondent shall pay to the Board an administrative penalty of twenty-eight thousand dollars (\$28,000.00), by cashier's check or money order, within twenty (20) days of the effective date of this Agreed Final Order.
2. Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; and
3. Respondent shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order or to bring any civil suit in state or federal court regarding the validity or enforcement of this Agreed Final Order, regardless of the claims asserted. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the Board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance of this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

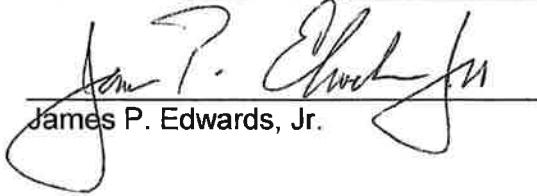
EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

RESPONDENT

Signed this 22nd day of SEPTEMBER, 2015.


James P. Edwards, Jr.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on the 22nd day of September, 2015, by James P. Edwards, Jr., to certify which witness my hand and official seal.




Notary Public's Signature


RESPONDENT'S ATTORNEY

Signed this 22 day of SEP, 2015.


Tom Pappas, Respondent's Attorney

STANDARDS AND ENFORCEMENT SERVICES DIVISION

Signed by the Standards and Enforcement Services Division this 24th day of September, 2015.



Kyle Wolfe, Staff Attorney
Texas Appraiser Licensing and Certification Board

COMMISSIONER


Signed by the Commissioner this 28 day of Sep, 2015.



Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

CHAIRPERSON

Approved by the Board and Signed this 20 day of November, 2015.



Jamie Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board